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NGOs and the right to adequate food

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Hunger and malnutrition: the human rights approach



Village children in Senegal eat a meal of millet and milk

All civil, cultural, economic, political and social rights need to be realized to guarantee a life in dignity for all human beings.

The fiftieth anniversary of the Universal Declaration of Human Rights (UDHR) offers a unique opportunity to strengthen the indivisibility of all human rights. The UDHR established that the realization of all human rights - civil, cultural, economic, political and social - is needed to guarantee a life in dignity for all human beings. As stated in UDHR Article 25, a life in dignity requires that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...". Despite the recognition of the right to adequate food in the UDHR, and subsequently in the International Covenant on Economic, Social and Cultural Rights (ICESCR), economic, social and cultural rights were not given adequate attention at the national and international levels for several decades. Fortunately, this situation is changing and several factors are now contributing to a better understanding of the interdependence, indivisibility and universality of all human rights.

One of the most important reasons for this change is the increasing emphasis that non-governmental organizations (NGOs) are putting on economic, social and cultural rights, at both national and international levels. More and more, NGOs and social movements (community-based organizations) are demanding the full implementation of the right to food from their respective authorities; for example, landless peasants in Latin America call for access to land, indigenous peoples seek security for their traditional land titles and fishers in Asia struggle against the destruction of local fishing grounds by industrial fleets. The "rights approach" is becoming important to many groups in their daily struggles and this is having a knock-on effect on other strategies to end hunger and malnutrition. This does not mean that adopting the rights approach is always going to be enough to solve the problems that cause hunger and malnutrition; not every hungry or malnourished human being is a victim of human rights violations. However, violations occur when states fail in their obligations to respect, protect or fulfil the right to food, and such state failure is one of the major causes of the persistence of hunger and malnutrition. The rights approach, therefore, helps civil society organizations to deal with this type of problem and policy.

The use of the rights approach by NGOs and social movements has increased considerably in recent years because economic, social and cultural rights generally are more precisely recognized than they were before. Although the existence of economic, social and cultural rights and the right to food has been acknowledged frequently for several decades, the rights themselves have been neglected and discriminated against by both states in their human rights work and the United Nations human rights system itself. Recently, however, the situation has changed considerably as a result of developments such as: a more precise legal interpretation of the rights concerned, which started with the establishment of the Committee on Economic, Social and Cultural Rights in 1987; better support from the international law community; and, since the end of the cold war, states' commitment to the implementation of these rights. Although much remains to be done at both the national and

international levels to elevate the status of economic, social and cultural rights, in practice, to that of civil and political rights, the indivisibility and interrelatedness of all human rights are now high on the agenda.

NGO action in the follow-up to the World Food Summit (WFS) has taken Objective 7.4 of the Summit Plan of Action³ very seriously. Many NGOs are well aware that promotion of the right to food requires a clear definition of the basic concept of economic, social and cultural rights and a continuous process of "unlearning" the reductionist human rights concept, which is focused entirely on civil and political rights, as well as the reductionist concepts of food security that focus only or mostly on agricultural productivity and harvest yields.

NGO action



A Senegalese woman breastfeeds her baby

Organizations involved in issues such as breastfeeding, access to health facilities and child malnutrition are increasingly working on a rights basis.

More than 1 000 organizations from more than 80 countries participated in the parallel NGO Forum at the WFS. NGOs and social movements are following a wide and colourful variety of practical and legal approaches to solving hunger and malnutrition and their work is essential to all endeavours aimed at tackling these problems. To get an overview of the variety of approaches to implementation of the right to food in concrete situations, it is important to differentiate those national and international NGOs and movements that explicitly use a rights approach in their daily work from those that, while working with issues strongly related to the right to food, use more developmental, or "implicit", approaches.

So far, only a few NGOs are using an explicit rights approach to food and nutrition issues at the international level. Among these rights approach NGOs are: FoodFirst Information and Action Network (FIAN), the World Alliance for Nutrition and Human Rights, and the Global Forum on Sustainable Food and Nutrition Security. A good indicator of the use of the rights approach is the number of NGOs that attend the regular sessions of the Committee on Economic, Social and Cultural Rights to report on violations of the right to adequate food. As yet, very few international NGOs use the Committee, but the number is

growing steadily. The most regular user is FIAN, the International Human Rights Organization for the Right to Feed Oneself. FIAN applies a strict violations approach, which means that it intervenes in situations where states are breaching their obligations to respect, protect or fulfill the right to adequate food.

At the national level, an increasing number of NGOs and social movements use economic, social and cultural rights as a reference or starting point for their work. At the most recent sessions of the Committee on Economic, Social and Cultural Rights, increasing numbers of national NGOs have reported on food-related violations of economic, social and cultural rights and many of them have highlighted issues such as forced evictions of small farmers, insecurity of tenant laws, problems related to access to fishing grounds, violations of indigenous land rights or discriminatory food supply schemes.

In documenting country-specific violations, several traditional human rights organizations have also started to report on the general situation related to economic, social and cultural rights in their countries, and these rights are also receiving increasing recognition on the agendas of national human rights organizations which, in many countries, have focused their work on civil and political rights for decades.

Other sectoral organizations are following, including farmers' organizations and indigenous organizations, which use economic, social and cultural rights as a reference point from which to monitor their respective states' conduct. Some such organizations have already started to document violations of the right to food; an example of this is the impressive annual documentation of land conflicts done by the Comissão Pastoral da Terra (CPT), the land-pastoral movement of Brazil. In Mexico, a national network of more than 130 social movements has been lobbying for years to get the right to food formally recognized in the national constitution and reflected in national legislation.

Many national human rights organizations are starting to check national legislation and budgets to identify any lack of state commitment and action to

implement the right to food. Moreover, some NGOs have started to use the national judicial system or, if available, their regional human rights system, to take up concrete cases of violations of this right.

Several NGOs use the terminology "nutrition rights" instead of "the right to adequate food". The concept of nutrition rights was developed in the context of the Convention on the Rights of the Child (CRC) and developed by the United Nations Children's Fund (UNICEF) which defined nutrition rights as the combination of access to food, health and necessary care. These three components are necessary to guarantee adequate nutrition to children. More and more NGOs are resorting to an explicit rights approach, especially in their work related to the Committee on the Rights of the Child, the committee which monitors state compliance with the CRC. On the international level, the World Alliance on Nutrition and Human Rights, a network of experts in the fields of nutrition and human rights, is strongly promoting the rights approach to the food and nutrition aspects of its work. Other organizations involved in issues such as breastfeeding, access to health facilities and, especially, child malnutrition are increasingly working on a rights basis.

Many other NGOs are working with issues closely linked to the implementation of the right to food, without taking such an explicit rights approach or using the terminology of the right to food. Increasing numbers of NGOs are working on issues such as defending land rights, demarcation of indigenous territories, guaranteed access to water or fishing grounds and preserving biological diversity. The most important initiatives in these directions were started by national movements, although they are also getting more and more support from international development NGOs.

WHAT DRIVES THE NGOs?

The motivation behind NGO and social movement action can best be summarized as follows:

- While the right to food is fully recognized legally, its realization is still highly

deficient. More concrete steps towards its implementation are needed from states. Nevertheless, an active civil society is indispensable to enhance efforts towards a better implementation of the right to food.

- Hunger and malnutrition are fundamentally questions of justice. The right of every human being to food and the sustenance of life is an essential part of human rights, and the time has come to realize the importance of economic, social and cultural rights and, in particular, the fundamental right to food.

This is a tough challenge for states, NGOs and social movements.

While development policies in general advance, the development NGOs are taking the overall framework conditions of state policies more and more seriously. Government priorities and the general development orientation of government policies are among the issues that are increasingly judged to be the keys to successful development projects. The rights approach also focuses on government responsibilities, so development NGOs are starting to become more interested in using an economic, social and cultural rights approach as a reference point in their work.

A growing number of NGOs emphasize that the responsibility of implementing the right to food lies not only with states, but also, and increasingly, with other actors. This was made especially clear in the Profit for Few or Food for All resolution of the NGO Forum at the WFS. The NGOs stated that "the globalization of the world economy, along with the lack of accountability of multilateral corporations and spreading patterns of overconsumption have increased world poverty." This statement highlights the fact that many actors - including civil society - have responsibilities in supporting the realization of the right to food. Nevertheless, the NGOs emphasized the special role of states in guaranteeing it: "The shame of global hunger and malnutrition compels action by all. At the same time, we insist that governments have the primary and ultimate responsibility to ensure national and global food security."

NGO draft Code of Conduct

Regional and international NGOs embraced the idea of a code of conduct on the right to adequate food and made it one of their main lobbying aims for the WFS. The NGOs saw two of the functions of such a

code as being particularly important. First, a code of conduct would reduce existing weaknesses in the human rights instruments that recognize the right to adequate food. One of these weaknesses is the lack of precise descriptions of the legal concepts contained in the right to adequate food and of the corresponding state obligations mentioned in the ICESCR. Second, there are legal lacunae as to what impact intergovernmental policies (e.g. the structural adjustment programmes of the World Bank and the International Monetary Fund - IMF) and private actors (e.g. transnational corporations) will have on the right to adequate food and these too could be addressed, in a first step, by formulating a code of conduct on the right to adequate food. During the WFS, the plenary of the parallel NGO Forum therefore proposed such a code of conduct as one of their two key demands. In their final political statement, Profit for Few or Food for All: Food Sovereignty and Security to Eliminate the Globalization of Hunger, the NGOs in Rome concluded under point 6:

"International law must guarantee the right to food, ensuring that food sovereignty takes precedence over macroeconomic policies and trade liberalization.[...] Negotiations should be carried out to develop more effective instruments to implement the right to food. These instruments should include: A Code of Conduct to govern the activities of those involved in achieving the Right to Food including national and international institutions as well as private actors, such as multinational corporations[...]."

A few NGOs were mandated at the NGO Forum to formulate a code of conduct in the course of 1997 for discussion at a subsequent international NGO conference. The NGOs' draft Code of Conduct on the Human Right to Adequate Food has been available since the end of September 1997.

The aim of this process is to place the proposed Code of Conduct on to the agendas of the Commission on Human Rights (CHR) and the FAO Committee on World Food Security (CFS). The NGOs behind this initiative have developed a two-pronged strategy for their campaign:

"An international instrument should be adopted by states, drawing on the International Code of Conduct on the Human Right to Adequate Food. The mandate

for the preparation of such an instrument was given by the World Food Summit to the High Commissioner for Human Rights. Such a new international instrument must therefore be adopted by the Commission on Human Rights (CHR) and subsequently by the Economic and Social Council of the United Nations (ECOSOC). Due to the fact that improving the right to adequate food was identified in Rome as one of the major tools for the implementation of the World Food Summit results in general, it is also important to get the support of the FAO Committee on World Food Security (CFS)."

The support of states for the development of an international instrument drawing on the draft Code of Conduct on the Human Right to Adequate Food can only be gained if promotion and lobbying are carried out on the national as well as the international level. The pressure on individual states to implement the right to food and Summit Objective 7.4 should come from their own national civil societies and national-level promotion and lobbying should, therefore, be done by national NGOs and social movements.

The Code of Conduct can also be used as a tool for strengthening the understanding and implementation of the right to adequate food at the national level. As an educational instrument it can be used to:

- open up debate and initiate processes with state governments on how to implement better the right to adequate food at the national level. For example, national workshops could be set up to check the national legislation and identify weaknesses in administrative regulations and behaviour etc.;
- open debate among NGOs and within civil society on the right to adequate food.

It should be used by national NGOs to inform other NGOs and social movements about economic, social and cultural rights in general and the right to adequate food in particular. It can also be used to show how human rights and the procedures and advocacy they entail can be used at national and international levels for better implementation of the right to adequate food and nutrition.

According to the strategy decision, as many NGOs as

possible are now being asked to endorse the idea of the Code and, in 1999, coordinated lobbying will be carried out with the aim of placing the proposal on the CFS and CHR agendas.

³ See Extracts from international instruments.

DRAFT CODE OF CONDUCT ON THE HUMAN RIGHT TO ADEQUATE FOOD

The draft Code of Conduct was endorsed, in September 1997, by: FoodFirst Information and Action Network (FIAN) the International Human Rights Organization for the Right to Feed Oneself; the World Alliance for Nutrition and Human Rights (WANAHR); and the Istituto Internazionale Jacques Maritain. Those who would like to obtain the full text are advised to contact FIAN International directly at: FIAN International, P.O. Box 102243, 69012 Heidelberg, Germany. E-mail: FIAN@fian.org

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PART II

Normative Content of the Right to Adequate

Food

Article 4

The right to adequate food means that every man, woman and child alone and in community with others must have physical and economic access at all times to adequate food or by using a resource base appropriate for its procurement in ways consistent with human dignity. The right to adequate food is a distinct part of the right to an adequate standard of living.

The realization of the right to adequate food requires

1 a) the availability of food, free from adverse substances and culturally acceptable, in a quantity and quality which will satisfy the nutritional and dietary needs of individuals;

b) the accessibility of such food in ways that do not interfere with the enjoyment of other human rights and that is sustainable.

2 The ultimate objective of the right to adequate food is to achieve nutritional well-being.

Nutritional well-being is dependent on parallel measures in the fields of education, health and care. In this broader sense, the right to adequate food is to be understood as the right to adequate food and nutrition.

3 The realization of the right to adequate food is inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, both at the national and international level, oriented to the eradication of poverty and the satisfaction of basic needs.



A family vegetable garden in Panama

The International Covenant on Economic, Social and Cultural Rights recognizes "the right of everyone to an adequate standard of living for himself and his family".

Article 5

5.1 In accordance with Articles 55 and 56 of the Charter of the United Nations it is incumbent upon States to take joint and separate action to advance the respect and observance of human rights including the right to adequate food.

5.2 All States Parties to the Covenant on Economic, Social and Cultural Rights are under the obligation to take immediate steps to fulfill their obligations under the Covenant. The obligation to achieve progressively the full realization of the right to adequate food requires States Parties to move as expeditiously as possible towards its realization.

5.3 As is true of all other human rights, the right to adequate food imposes three different types of obligations on States: the obligation to respect, to protect, and to facilitate and fulfill. Failure to perform any one of these three obligations constitutes a violation of human rights.

5.4 The human right to adequate food must be guaranteed without discrimination as to national

or social origin, property, race, gender, language, religion, political or other opinion.

5.5 Food should never be used as an instrument for political and economic pressure.

PART IV

Responsibilities of Actors of Civil Society

Article 10

This code applies to all actors in civil society, whether they act as individuals, families, local communities or non-governmental organizations. For the full realization of the right to adequate food the active participation of all these actors is essential; this includes mechanisms of social mobilization as well as participation in planning, executing, monitoring and evaluating public policies relevant to the right to adequate food, while maintaining their autonomy in their relationship with the state. No actor of civil society shall contribute through personal or organized behaviour and programmes to violations of the right to adequate food.

Article 11

Every individual, having duties to other individuals and to the community to which he/she belongs, is under a responsibility to strive for the promotion and observance of the right to adequate food. Every individual and organisation in civil society shall strive, by teaching and education, to promote respect for the right to adequate food, helping to secure the universal and effective recognition, implementation and observance of this right, both among individuals and communities.

Article 12

The essential role civil society should play in the realization of the right to adequate food shall in no way diminish the primary importance of the obligations of States in this respect.

PART V

Means and Methods of Implementation

Article 13

All actors mentioned in this Code of Conduct: States, international organizations and the civil society including individuals, families, local communities and non-governmental organizations, and economic enterprises should contribute to the realization of the objectives and principles contained in this Code.